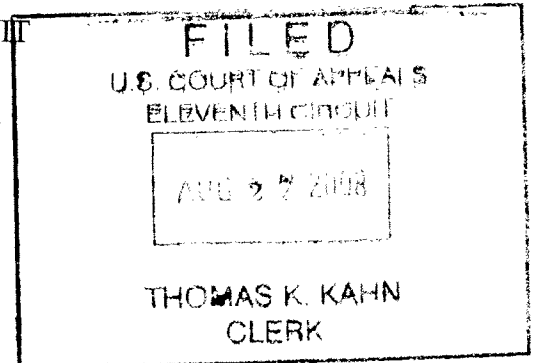


IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-12292-A



JEFFERY JAMES JACKSON,

Plaintiff-Appellant,

versus

ELEANOR I. BROOKS, D.A.,
WILL POWELL, D.D.A.,

Defendants-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

Before : **ANDERSON, BLACK and WILSON, Circuit Judges.**

BY THE COURT:

The appellant, in the district court, filed a notice of appeal and a motion to proceed on appeal in forma pauperis. The district court determined that appellant was indigent and assessed the \$455.00 appellate filing fee pursuant to Prison Litigation Reform Act of 1995 (April 26, 1996); see 28 U.S.C. § 1915 (as amended). The district court then certified that the appeal was frivolous and not taken in good faith.

Because the district court already has determined that appellant is indigent and has instituted

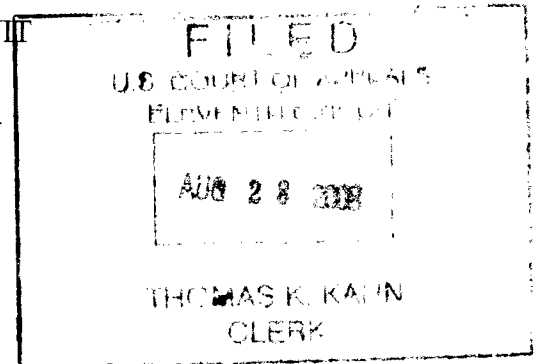
a partial payment plan under 28 U.S.C. § 1915(a) &(b) (as amended), the only remaining question is whether the appeal is frivolous. See 28 U.S.C. § 1915(e)(2)(B). This Court now finds that this appeal is frivolous, DENIES leave to proceed, and DISMISSES the appeal.

CORRECTED

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-12292-A



JEFFERY JAMES JACKSON,

Plaintiff-Appellant,

versus

ELEANOR I. BROOKS, D.A.,
WILL POWELL, D.D.A.,

Defendants-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

Before : **ANDERSON, BLACK and WILSON, Circuit Judges.**

BY THE COURT:

The appellant, in the district court, filed a notice of appeal and a motion to proceed on appeal in forma pauperis. The district court determined that appellant was indigent and assessed the \$455.00 appellate filing fee pursuant to Prison Litigation Reform Act of 1995 (April 26, 1996); see 28 U.S.C. § 1915 (as amended). The district court then certified that the appeal was frivolous and not taken in good faith.

Because the district court already has determined that appellant is indigent and has instituted

a partial payment plan under 28 U.S.C. § 1915(a) &(b) (as amended), the only remaining question is whether the appeal is frivolous. See 28 U.S.C. § 1915(e)(2)(B). This Court now finds that this appeal is frivolous, DENIES leave to proceed, and DISMISSES the appeal.